



Virginia Occupational Safety and Health



VOSH PROGRAM DIRECTIVE: 12-123A

ISSUED: June 15, 1995

SUBJECT: Hazard Communication Standards, Final Rules:
Amendment to General Industry Standard, §1910.1200
Shipyard Employment Standard, §1915.1200;
Amendment to the Marine Terminals Standard, §1917.28;
Longshoring Standard, §1918.90; Amendment to the Construction
Industry Standard, §1926.59; and Correcting Amendments

A. Purpose.

This directive transmits to field personnel the revised Hazard Communication Standards (CHANGE I) and the Correcting Amendments to the above-referenced standards (CHANGE II).

This Program Directive is an internal guideline, not a statutory or regulatory rule, and is intended to provide instructions to VOSH personnel regarding internal operation of the Virginia Occupational Safety and Health Program and is solely for the benefit of the program. This document is not subject to the Virginia Register Act or the Administrative Process Act; it does not have general application and is not being enforced as having the force of law.

B. Scope.

This directive applies to all VOSH personnel and specifically to Occupational Health Enforcement and Consultation Services personnel.

C. Action.

The Deputy Commissioner, Directors and Supervisors shall assure that field personnel and employers understand and comply with the provisions of these amended standards.

D. Effective Dates.

CHANGE I: July 1, 1994
CHANGE II: July 1, 1995

E. Expiration Date.

Not Applicable.

F. Background.

CHANGE I: These minor modifications of the Hazard Communication (HAZCOM) final standards were based upon OSHA's determination that clarifications would enhance compliance and, thus, protection of workers. The Safety and Health Codes Board adopted these minor

changes and clarifications on April 18, 1994, with an effective date of July 1, 1994 for most industries.

CHANGE II: Amendments to federal OSHA's Hazard Communication Standard, published on February 9, 1994 (59 Fed. Reg. 6126), included a number of minor changes and technical amendments to further clarify the requirements of the Hazard Communication Standards. The amendments included a new exemption to the standard's requirements.

On April 17, 1995, the Safety and Health Codes Board adopted these correcting amendments to the Hazard Communication Standards, with an effective date of July 1, 1995.

G. Summary.

CHANGE I: The HAZCOM standard includes separate but identical standards for general industry (§1910.1200), shipyards (§1915.100), marine terminals (§1917.28), longshoring (§1918.90), and construction industry (§1926.59).

These amendments to the existing HAZCOM final rules and new applications for VOSH to Parts 1915 and 1918 included a number of minor changes and technical amendments to further clarify the requirements of the HAZCOM standards and, thereby, helped ensure full compliance with the standards and achieve protection for employees. In general, the amendments affected the standards by:

- 1) adding and clarifying certain exemptions from labeling and other requirements;
- 2) modifying and clarifying aspects of the written hazard communication program and labeling requirements;
- 3) clarifying and slightly modifying the duties of distributors, manufacturers and importers to provide material safety data sheet (MSDSs) to employees; and
- 4) clarifying certain provisions regarding MSDSs.

CHANGE II: On December 22, 1994, federal OSHA made three corrections to the recent amendments to the Hazard Communication Standards: General Industry, §1910.1200; Shipyard Employment, §1915.1200; Marine Terminals, §1917.28; Longshoring, §1918.90 and Construction, §1926.59 (59 Fed. Reg. 65947).

These amendments correct section (b)(6)(ii) of the Hazard Communication Standards to clarify federal OSHA's intent to exempt CERCLA-listed chemicals only in circumstances where they are fully regulated by EPA. This limited exemption of CERCLA-listed chemicals would make federal OSHA's requirements duplicative. The new language states that the exemption applies to any hazardous substance, as that term is defined by CERCLA, when the hazardous substance is the focus of remedial or removal action under CERCLA.

These amendments also correct a typographical error in section (c) by revising the paragraph to read "convey the specific physical and health" instead of "convey the specific physical or health". Also, in paragraph (g)(7)(iv), the language was revised by deleting the phrase "...as an alternative to keeping a file of material safety data sheets for all hazardous chemicals they sell,...." This paragraph deals with wholesale distributors, who sell hazardous chemicals to employers, providing material safety data sheets upon the request of the employer at the time of the over-the-counter sale.

Theron J. Bell
Commissioner

Attachments: 59 Fed. Reg. 6169 (February 9, 1994)
http://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=FEDERAL_REGISTER&p_id=13349&p_text_version=FALSE

59 Fed. Reg. 65947 (December 22, 1994)
http://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=FEDERAL_REGISTER&p_id=13432&p_text_version=FALSE

Distribution: Commissioner of Labor and Industry
Deputy Commissioner
Directors and Supervisors
Enforcement Staff
PETS
Training and Consultation Services Staffs
OSHA Regional Administrator, Region III

Hazard Communication Standards, Final Rules:
Amendment to General Industry Standard, §1910.1200
Shipyard Employment Standard, §1915.1200;
Amendment to the Marine Terminals Standard, §1917.28;
Longshoring Standard, §1918.90; and
Amendment to the Construction Industry Standard, §1926.59

AS ADOPTED BY THE
VIRGINIA OCCUPATIONAL SAFETY AND HEALTH CODES BOARD

DATE: April 18, 1994



VIRGINIA OCCUPATIONAL SAFETY AND HEALTH PROGRAM

Effective Date July 1, 1994

Hazard Communication Standards for:

General Industry Standard, §1910.1200 [VR 425-02-01];
Shipyard Employment Standard, §1915.1200 [VR 425-02-173];
Marine Terminals Standard, §1917.28 [VR 425-02-03];
Longshoring Standard, §1918.90 [VR 425-02-174]; and
Construction, §1926.59 [VR 425-02-31]

When the regulations, as set forth in the Hazard Communication (HAZCOM) Standard for General Industry Standard, §1910.1200; Shipyard Employment Standard, §1915.1200; Marine Terminals Standard, §1917.28; Longshoring Standard, §1918.90; and Amendment to the Construction Industry Standard, §1926.59, are applied to the Commissioner of the Department of Labor and Industry and Industry and/or to Virginia employers, the following federal terms shall be considered to read as below:

Federal Terms

29 CFR

Assistant Secretary

March 11, 1994

VOSH Equivalent

VOSH standard

Commissioner of Labor & Industry

July 1, 1994

**Hazard Communication Standard, Final Rules:
Amendment to General Industry Standard, §1910.1200
Shipyard Employment Standard, §1915.1200;
Amendment to the Marine Terminals Standard, §1917.28;
Longshoring Standard, §1918.90;
Amendment to the Construction Industry Standard, §1926.59; and
Correcting Amendments**

As adopted by the
SAFETY AND HEALTH CODES BOARD

Date: April 17, 1995



VIRGINIA OCCUPATIONAL SAFETY AND HEALTH PROGRAM

Effective date: July 1, 1995

Hazard Communication Standards for:

General Industry Standard, §1910.1200 [VR 425-02-01];
Shipyard Employment Standard, §1915.1200 [VR 425-02-173];
Marine Terminals Standard, §1917.28 [VR 425-02-03];
Longshoring Standard, §1918.90 [VR 425-02-174]; and
Construction, §1926.59 [VR 425-02-31]

When the regulations, as set forth in the correcting amendments to the Hazard Communication (HAZCOM) Standard for General Industry, §1910.1200, Shipyard Employment Standard, §1915.1200, Marine Terminals Standard, §1917.28, Longshoring Standard, §1918.90, and Construction, §1926.59, are applied to the Commissioner of the Department of Labor and Industry and/or to Virginia employers, the following federal terms shall be considered to read as below:

Federal Terms

29 CFR

Assistant Secretary

Agency

December 22, 1994

VOSH Equivalent

VOSH Standard

Commissioner of Labor and Industry

Department

July 1, 1995